

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**CANAL INDEMNITY COMPANY,**

**Plaintiff,**

**vs.**

**WLS, INC. d/b/a S & H MOBILE  
HOMES, CIS FINANCIAL SERVICES,  
INC., f/k/a CAVALIER ACCEPTANCE  
CORPORATION; GREEN TREE-AL,  
LLC; GREEN TREE SERVICING, LLC;  
RUTH BARRON; JOHN D. BARRON**

**Defendants.**

**CIVIL ACTION NO. 2:05cv778-T**

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**REPORT OF PARTIES' PLANNING MEETING**

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**1.** Pursuant to the Court's Order of September 15, 2005 and Fed. R. Civ. P. 26(f), a meeting was held on October 24, 2005, and in attendance were:

- Joseph E. B. Stewart for Plaintiff Canal Indemnity Company;
- Jack J. Hall, Jr. for Defendant WLS, INC. d/b/a S & H Mobile Homes; and
- R. Austin Huffaker, Jr. for Defendants Green Tree-AL, LLC and Green Tree Servicing, LLC.<sup>1</sup>

**2. Pre-Discovery Disclosures.** The parties will exchange by December 24, 2005, the information required by Local Rule 26.1(a)(1).

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<sup>1</sup>Upon information and belief, three of the defendants in this matter – Ruth Barron, John Barron, and CIS Financial Services, Inc. f/k/a Cavalier Acceptance Corp. – have not yet been served with the Complaint or the Amended Complaint and have not filed responsive pleadings. Accordingly, these defendants did not participate in the meeting of the parties.

**3. Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects: Plaintiff's claims and Defendants' defenses.

All discovery commenced in time to be completed by October 16, 2006.

Maximum of 25 interrogatories by each party to any other party. [Responses due 30 days after service.]

Maximum of 25 requests for admission by each party to any other party. [Responses due 30 days after service.]

Maximum of 25 requests for production of documents by each party to any other party. [Responses due 30 days after service.]

Maximum of 4 depositions by Plaintiff and 4 by Defendants, maximum of Six hours each.

Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by May 31, 2006

from Defendants by July 31, 2006

Supplementations under Rule 26(e) due by August 10, 2006

**4. Other Items.**

The parties do not request a conference with the Court before entry of the scheduling order.

Plaintiff should be allowed until February 15, 2006 to join additional parties and until February 28, 2006 to amend the pleadings.

Defendants should be allowed until March 15, 2006 to join additional parties and until March 28, 2006 to amend the pleadings.

All potentially dispositive motions should be filed by June 30, 2006.

Settlement cannot be realistically evaluated prior to October 16, 2006.

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Final lists of witnesses and exhibits under Rule 26(a)(3) should be due

from Plaintiff by thirty (30) days before trial.

from Defendants by fifteen (15) days before trial.

Parties should have 7 days after service of final lists of trial evidence to list objections under Rule 26(a)(3).

The case should be ready for trial by November 6, 2006, and at this time is expected to take approximately 3 days.

Counsel for Canal has conferred with Counsel for WLS, INC. d/b/a S & H Mobile Homes and Green Tree-AL, LLC and Green Tree Servicing, LLC regarding the instant pleading, and has provided a copy of this pleading to each of them prior to filing it with the Court. This will certify that Counsel for each of these parties has agreed to the filing of this pleading, and each of them has given their express consent to their electronic signatures appearing on this Document.

Respectfully submitted,

s/ Joseph E. B. Stewart

William A. Austill (ABS-1217-A62W)

Joseph E. B. Stewart (ASB-6903-S61J)

OF COUNSEL:

Austill, Lewis & Simms, P.C.

P.O. Box 11927

Birmingham, AL 35202-1927

s/ Jack J. Hall, Jr.

Jack J. Hall, Jr. (ASB-0151-L74J)

OF COUNSEL:

HALL, CONERLY & BOLVIG, P.C.

1400 Financial Center

505 20<sup>th</sup> Street North

Birmingham, AL 35203

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s/ R. Austin Huffaker, Jr.

R. Austin Huffaker, Jr. (ASB-3422-F55R)

OF COUNSEL:

RUSHTON, STAKELY, JOHNSON  
& GARRETT, P.A.  
P. O. Box 270  
Montgomery, AL 36101-0270

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail, postage prepaid and properly addressed, on this 24<sup>th</sup> day of October, 2005 to:

Rickman E. Williams, III, Esq.  
Pitts, Pitts, & Williams  
Post Office Box 527  
Selma, AL 36702-0527

John R. Bradwell  
425 South Perry Street  
Montgomery , AL 36104

Ruth Barron  
637 U.S. HWY 139  
Maplesville, Alabama 36750

s/ Joseph E. B. Stewart

OF COUNSEL